

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ERIC SAXTON,)
)
Plaintiff,)
)
v.) No. 4:15CV1208 JCH
)
MAC,)
)
Defendant.)

MEMORANDUM AND ORDER

Plaintiff moves for leave to proceed in forma pauperis in this civil action under the Equal Pay Act, 29 U.S.C. § 206. The motion is granted.

Under 28 U.S.C. § 1915(e), the Court is required to dismiss a complaint filed in forma pauperis if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. To state a claim for relief, a complaint must plead more than “legal conclusions” and “[t]hreadbare recitals of the elements of a cause of action [that are] supported by mere conclusory statements.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). A plaintiff must demonstrate a plausible claim for relief, which is more than a “mere possibility of misconduct.” *Id.* at 679. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* at 678.

Plaintiff previously brought suit against defendant under Title VII. He did not have a timely right-to-sue letter from the EEOC, however, and the Court dismissed the case. Plaintiff now seeks to sue defendant under the Equal Pay Act for race discrimination.

The Equal Pay Act only applies to sex discrimination. *See* 29 U.S.C. § 206(d). It has no application to discrimination based on race. As a result, the complaint fails to state a claim upon which relief can be granted.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [ECF No. 3] is **GRANTED**.

IT IS FURTHER ORDERED that this case is **DISMISSED** without prejudice.

An Order of Dismissal will be filed separately.

Dated this 1st day of September, 2015.

\s\ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE